

REMARKS

Claims 4 and 10 are currently amended. New claims 16-18 are added.

It is respectfully submitted that the present amendment presents no new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Rejection of Claims 1-12 under 35 U.S.C. § 103

Claims 1-12 stand rejected in light of U.S. Patent No. 6,100,080 (hereinafter simply referred to as "Johansen").

Claims 1, 4 and 10 require a sporocidal composition. Claim 4 is currently amended to require sporocidal composition present in an amount effective for killing or inactivating spores.

The Examiner has submitted that while Johansen "does not specifically discuss the use of the composition as a sporacide or the use of enhancing agents and iodide salts in combination with laccase" that it would have been obvious . . . to "use the composition as a sporacide because biofilms can comprise colonies of yeasts, fungi, and/or protozoa and these organisms develop from mitotic division of spores" and to "use an enhancing agent and iodide salt as an electron-donor in combination with laccase because laccase also catalyzes an oxidation/reduction reaction." Applicants respectfully disagree.

Initially, Applicants note that even if one were to rely on Johansen, one does not arrive at the presently claimed novel invention. For example, all pending claims require a composition that is sporocidal. Johansen does not teach a sporocide composition as noted by the Examiner. Further there is no suggestion to modify the composition of Johansen to apply it to spores instead of biofilms.

Accordingly, Applicants respectfully submit that because the cited art does not teach or disclose a sporocide composition, the prior art cannot render the pending claims obvious.

Applicants respectfully disagree with the Examiners reasons for relying on Johansen. For example, while the Examiner has submitted that Johansen makes the claimed invention obvious because biofilms can include colonies of yeasts, fungi, and/or protozoa and these organisms develop from mitotic division of spores, Applicants note that yeast, fungi and/or protozoa do not necessarily share the problems associated with killing or inactivating spores. One of ordinary skill in the art would not simply presuppose that substances suitable for killing yeasts, fungi, and/or protozoa would be successful at killing

spores. It is well known that spores are difficult to kill or inactivate. The outer coat of spores is made of, *inter alia*, a keratin-like protein which may include as much as 80% of the total protein of the spore. This protein coat is responsible for the resistance of spores to chemical sterilizing agents. The spore stage of the microbial life cycle is characterized by metabolic dormancy and resistance to environmental factors that would destroy the microbe in its vegetative stage. Applicants respectfully submit that there is no motivation to kill or inactivate any spores based on the rational of the Examiner.

Accordingly, Applicants respectfully submit that Johansen does not teach the application of compositions to kill or inactivate spores, and Johansen does not render the claims obvious. Additionally, Applicants respectfully submit that there is no motivation to apply the Johansen composition(s) to spores.

II: The rejection of claims 13 and 14 under 35 U.S.C. § 103

Claims 13 and 14 stand rejected by the Examiner as obvious in light of Johansen, and further in view of U.S. 6,221,821 (hereinafter referred to simply as "Svendsen"). Applicants respectfully disagree.

Claims 13 and 14 depend upon novel claim 1. As claim 1 is not obvious for the reasons stated above, claims 13 and 14 are not obvious. Reconsideration is urged.

III. New Claims

New claims 16, 17 and 18 are added. While it is believed that no additional fees are due at this time, the U.S. Patent Office is authorized to charge any additional fees, should any fees be due, to the deposit account no. 50-1701 of Novozymes North America Inc.

IV. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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